

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAR PHARMACEUTICAL, INC.,)
PAR STERILE PRODUCTS, LLC, and)
ENDO PAR INNOVATION)
COMPANY, LLC,)
Plaintiffs,) C.A. No. 18-823-CFC-JLH
v.) [REDACTED]
EAGLE PHARMACEUTICALS INC.,)
Defendant.)

**LETTER TO THE HONORABLE COLM F. CONNOLLY
FROM BINDU A. PALAPURA**

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7221902/ 45185



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June 8, 2021

VIA ELECTRONIC FILING

The Honorable Colm F. Connolly
United States District Judge
J. Caleb Boggs Federal Building
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Wilmington, DE 19801-3555

[REDACTED]
[REDACTED]

Re: *Par Pharm., Inc. v. Eagle Pharm., Inc.*, C.A. No. 18-823-CFC

Dear Judge Connolly:

We respectfully submit this letter on behalf of Defendant Eagle to correct a number of important factual inaccuracies contained in Par's letter filed earlier today.

First, Par implies that Eagle will not be able to make its FDA submission in mid-June, referencing "public statements by Eagle's CEO [that] indicate that it has not yet completed the next round of animal testing, let alone analyzed the results." (*Id.* at 1). Par is incorrect. Eagle is not conducting any vasopressin animal studies at this time and none are planned. Indeed, in the statement from last week that Par appears to reference, Eagle's CEO reconfirmed the mid-June timing:

We have this one last study that we are waiting to report out hopefully any day now. Assuming that those results are the way they have been in the past and what we expect, we will be wrapping this all up. And we have been saying by mid-year, you know ***which is obviously this month we will be fully responding to this CRL. . .***

Statement of S. Tarriff, Jefferies Healthcare Conference (June 2, 2021).

[REDACTED]
[REDACTED]

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[REDACTED]

Par did not make this proposal to Eagle. Instead, as discussed in Eagle's letter from earlier today, Par proposed Eagle drop its invalidity and unenforceability case, which Eagle cannot accept for the reasons explained. (D.I. 251 at 2-3).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Eagle has not had any exchanges with the FDA since the May 26 teleconference with the Court.

Respectfully,

/s/ Bindu A. Palapura

Bindu A. Palapura

BAP/mas/7221902/45185

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)